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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,700	02/12/2004	Dinh Duc Nama		3437

7590 08/25/2004  
DINH DUC NAMA, c/o BJ KANALEI & ASSOCIATES  
10512 BOLSA AVE, # 202  
WESTMINSTER, CA 92683

EXAMINER

LAYNO, BENJAMIN

ART UNIT PAPER NUMBER

3712

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/776,700	NAMA, DINH DUC	
	<b>Examiner</b>	<b>Art Unit</b>	
	Benjamin H. Layno	3712	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen et al. in view of Bacc-Jack and Nguyen et al.

The patent to Shen et al. discloses a method of playing a card game among multiple player, a house dealer and a banker, col. 2, lines 6-12. Each player and the banker places a wager. Assigning a minimum and maximum wagering amount to a casino card game table is a well known casino management business decision which always obvious in the art. Each player and the banker are dealt four cards each. Each player and banker setting their hands by making a front 2 card hand and back 2 card hand. The back hand must rank higher than the front hand col. 2, lines 34-56. The dealer then determines if each of the players' hands should win over the hands of the Banker col. 2, lines 57-68.

In regard to claim 1, paragraph o., Shen recites "A hand which is constituted of four-of-a-kind beats any other hand except a hand having a four-of-a-kind of a higher value than the hand", col. 2, lines 62-64. It is well known that this situation may occur, thus it would have been obvious to provide a rule that if

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both hands have a four-of-a-kind it would have been a push. This modification would have been management business decision, which is always obvious in the art.

The game Bacc-Jack teaches that it is known in the card games where the object is to reach 9 by adding the point values of cards in a player's hand, to provide up to 12 decks of cards, wherein each deck is stripped of certain cards (e.g. 7's, 8's, 9's and 10's). In view of such teaching, it would have been obvious to provide up to 12 decks of cards to Shen's game. Each deck would have been stripped of 7's, 8's, 9's and 10's. This modification would have reduced the number of ties in Shen's game, thus making Shen's game more exciting to play.

The patent to Nguyen et al. teaches that it is known in the card game art to provide a plurality of decks of cards, wherein each deck is stripped of all 7's, 8's, 9's, 10's, jacks, queens and kings. In view of such teaching, It would have been obvious to further strip the jacks, queens and kings from each of Shen's decks of cards, thereby leaving 288 card total. This modification would have further reduced the number of ties in Shen's game, thus making Shen's game more exciting to play.

Nguyen further teaches that it is well known in card games to use three dice to determine the position of the action player, col. 3, lines 43-51. In view of such teaching, it would have been obvious to incorporate three dice to Shen's game in order to randomly determine the position of the action player, thus making Shen's game more chance oriented.

In regard to claim 2, it is well known for casino management to be ready for any special circumstance (e.g. two players having four-of-a-kind, etc.) that may occur during game play, and therefore, it would have been obvious for management to have contingency plans in place when these special circumstances occur.

### ***Conclusion***

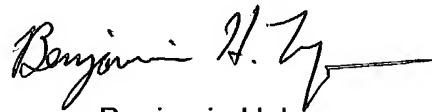
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The game 9's Up is a casino card game wherein four cards are dealt to each player and a banker, and each player and the banker must form a 2 card front hand and a 2 card back hand. The hands are compared similar to Shen et al. The patent to Robinson et al. discloses a casino card game wherein four cards are dealt to each player and a dealer, and each player and the dealer must form a 2 card front hand and a 2 card back hand. The hands are compared similar to Shen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Benjamin H. Layno", with a horizontal line extending from the end of the signature.

Benjamin H. Layno  
Primary Examiner  
Art Unit 3712

bhl